

## **Rules of Procedure of the Netherlands Film Fund**

To implement the constitution dated 3 October 2009 of the Netherlands Film Fund Foundation (hereinafter called: 'the Fund') the following applies.

### ***Definitions***

#### **Article 1**

In these rules the following is understood:

- a. the act: The Act on specific cultural policy (Wet op het specifieke cultuurbeleid) of 11 March 1993, Bulletin of Acts and Decrees, 1993, 193 which came into force on 16 April 1993;
- b. the Fund: Netherlands Film Fund Foundation;
- c. supervisory board: the supervisory board referred to in Article 1 sub-section c of the constitution;
- d. the board: the board referred to in Article 1 sub-section a of the Constitution;
- e. appeals committee: a committee referred to in Article 7:13 of the General administrative law act (Algemene wet bestuursrecht);
- f. appeal: an appeal referred to in Article 6:5 of the General administrative law act.

### ***Setup of the organisation***

#### **Article 2**

The Fund has:

- a. a board;
- b. a supervisory board;
- c. a fund bureau;
- d. film consultants;
- e. (ad hoc) advisers;
- f. an appeals committee.

### ***The board***

#### **Article 3**

3.1 The Fund is administered by the board, consisting of a number of at least one and at the most two natural persons to be determined by the supervisory board, under the supervision of the supervisory board.

3.2 If the board consists of one administrator this administrator is entrusted with the whole administration.

3.3 Each member of the board is authorised to cast one vote.

3.4 If the board consists of two administrators, they shall in consultation with the supervisory board determine a division of tasks which is set out in writing in a board regulation.

3.5 In case of vacancy or non-appearance of one member of the board, the sole remaining member of the board shall be entrusted with the whole administration.

3.6 The meetings of the board are not public. Everything discussed and decided therein is strictly confidential.

3.7 In case of vacancy or non-appearance of all the members or of the sole member of the board the administration rests temporarily with the supervisory board. If the number of members of the board falls below the number determined by the supervisory board the supervisory board is obliged as soon as possible to fill the vacancies.

3.8 The board maintains contact with the Staff representation.

3.9 The supervisory board holds an annual performance review with the members of the board.

3.10 The board shall decide in all cases not provided for by the regulations of the Fund and the General Regulations.

3.11 Administrators shall report to the supervisory board all their additional functions, including board functions, supervisory directorships and advisory positions.

3.12 The function of administrator is, except in case of exemption by the supervisory board, incompatible with the function of director or administrator or membership of a supervisory board of institutions in the film world, with the exception of those functions which an administrator holds by virtue of his office.

### **Supervisory board**

#### **Article 4**

- 4.1 The supervisory board shall arrange for an annual (self) evaluation of its own performance, both among its members and with respect to the board.
- 4.2 The meetings of the supervisory board are not public. Everything discussed and decided therein is strictly confidential.
- 4.3 Each member of the supervisory board has one vote.
- 4.4 The members of the supervisory board endeavour as far as possible to take decisions unanimously.
- 4.5 If unanimity does not appear feasible and the law, the constitution of the foundation or these Rules do not specify a greater majority, decisions of the supervisory board are taken by a majority of the votes cast. In case of equality of votes the decision-making process is suspended, unless in the view of the chairman this is not in the interests of the organisation. In that case the chairman has the casting vote. The supervisory board may only take decisions if a majority of the members of the supervisory board in office are present or represented. In urgent cases the chairman or his deputy may take decisions outside the meeting on behalf of the supervisory board. These decisions are later affirmed in the meeting.
- 4.6 Members of the supervisory board receive for each meeting a fee determined by the board, with the approval of the supervisory board, and a reimbursement of their travelling and accommodation expenses.
- 4.7 Members of the supervisory board report their functions and additional functions to the supervisory board and the board.
- 4.8 Members of the supervisory board may not, except in case of exemption by the Minister, be director or administrator or be a member of a supervisory body of an institution with the same or a similar aim as the foundation.

### **Fund bureau**

#### **Article 5**

- 5.1 The Fund bureau consists of heads of subsidy programmes, employees of the subsidy bureau and other employees of the Fund.
- 5.2 Heads are appointed by the board for a certain period as a point of contact for the field within their specific subsidy programme.
- 5.3 Heads have ample practical experience in the Dutch film sector, have wide knowledge of national and international developments within their specific area of interest and supervise policy.
- 5.4 Heads in any case have the function:
- in their specific area of interest of maintaining contact with the field and with collaboration partners;
  - of managing and implementing the regulations as well as controlling the process of granting subsidy relating to their specific subsidy programme;
  - of providing an analysis of subsidy applications in which the application is checked against the subsidy regulations and policy frameworks of the Fund;
  - of managing the subsidy relations;
  - of advising the board within their specific area of interest and on the overall policy of the Fund.
- 5.5 The subsidy bureau consisting of project supporters, production managers and a subsidy bureau coordinator supports the heads and film consultants in handling applications submitted and advises the board on the production, financial and business quality of applications.
- 5.6 The other employees of the Fund support and advise the board in the management.

### ***Film consultants***

#### **Article 6**

- 6.1 Film consultants are appointed by the board as adviser within a certain subsidy programme for a maximum period of three years, with the option of a limited extension.
- 6.2 Film consultants have a wide knowledge of and ample practical experience in the Dutch film sector and have a good understanding of developments in the national and international film field.
- 6.3 Film consultants in any case have the task:
- of providing the board with an opinion on subsidy applications in which the application is checked against the subsidy regulations and the policy framework of the Fund;
  - of maintaining contact with the applicants
  - of monitoring the progress of selected film plans;
  - of advising on policy developments within the specific area of interest.
- 6.4 The board may lay down further rules relating to the task and procedure of film consultants.

### ***Ad hoc advisers***

#### **Article 7**

- 7.1 The board may on the basis of their specific knowledge and experience appoint ad hoc advisers.
- 7.2 Ad hoc advisers have the task of issuing an opinion on the subsidy applications submitted to them taking into account the subsidy regulations and policy frameworks of the Fund.
- 7.3 Ad hoc advisers are appointed for one year and may then be reappointed for one year up to a maximum of four years.
- 7.4 a. The board may dismiss an ad hoc adviser from his function early.
- b. Ad hoc advisers receive a fee to be determined by the board and travel expenses.
  - c. On appointment ad hoc advisers report their functions and additional functions to the Fund.
  - d. The Fund reports the functions of advisers on the website.

### ***Integrity***

#### **Article 8**

- 8.1 Employees of the Fund shall not perform additional functions that conflict with the interests of the Fund.
- 8.2 The employee who wants to perform additional functions, other than as part of his work, shall discuss this plan within the Fund, after which written consent must be given by the board.
- 8.3 Employees shall refrain from receiving gifts, payments or commissions of a value of more than € 25 from persons with whom they come into contact within their function.
- 8.4 The employee shall be obliged both during and after termination of the employment contract with respect to parties other than employees, board members and supervisory directors of the employer to confidentiality regarding all business matters that have come to his knowledge.
- 8.5 The board shall ensure that employees can without danger to their legal position report (alleged) irregularities of a general, operational and financial nature.
- 8.6 The board shall ensure that with regard to quality assurance provisions are taken which give persons and institutions that come into contact with the Fund the opportunity to make suggestions to improve methods and procedures. This is reported on in the annual report.
- 8.7 If when assessing film plans questions arise in which an employee or an ad hoc adviser has or may have a direct or indirect own interest, he shall notify the board of this immediately. The employee or ad hoc adviser in question shall refrain from preparing and producing an opinion.
- 8.8 Employees shall be obliged not to communicate to third parties about the content of the discussion about subsidy applications submitted, the (results of the) handling of the applications and the contents of the opinions. Everything discussed and decided within them is strictly confidential and may only be brought to the knowledge of third parties by decision of the board.

### ***Assessment of subsidy applications***

#### ***Article 9***

9.1 The board decides on applications submitted to the Fund taking into account the provisions of the General administrative law act, the General Regulations and the Sub-regulations based on these Regulations.

9.2 The board draws up a procedure in the light of which subsidy applications are assessed.

9.3 The board may decide that upon advice the hearing of an applicant forms part of the assessment procedure.

9.4 The board checks whether the opinion was produced carefully. In addition it shall check the opinion in its entirety against the subsidy regulations and the policy frameworks and financial principles.

9.5 The decision to award or reject a subsidy application in any case includes:

- factual information on the application;
- if the subsidy application is submitted for an opinion, the names of those who have issued the opinion and their justified reasons;
- the justified reasons of the board.

9.6 A list of the applications honoured is put on the website of the Fund.

### ***Appeals committee***

#### ***Article 10***

10.1 Appeals are dealt with by an appeals committee to be appointed by the board.

10.2 The secretariat of the appeals committee is provided by an officer of the Fund.

10.3 The appeals committee consists of a minimum of three and a maximum of six members. The chairman, the deputy chairman and the other members of the appeals committee are appointed by the board in office.

10.4 Members of the appeals committee do not form part of and do not work under the responsibility of the Fund.

10.5 Members of the appeals committee are appointed for a maximum of two years with the option of reappointment for a maximum of two terms of a maximum of two years.

10.6 The members of the appeals committee receive for each meeting a fee to be determined by the board, with approval of the supervisory board, and a reimbursement of their travelling and accommodation expenses.

10.7 Members of the appeals committee do not participate in handling an appeal that relates to a matter in which they have in any way been directly or indirectly involved.

10.8 The board of the Fund takes the decision on an appeal taking into account the opinion of the appeals committee.

10.9 The board may lay down a regulation on the procedure of the appeals committee.

### ***Transitional provision***

#### ***Article 11***

Article 3, seventh paragraph, second sentence, comes into force as soon as the Act on specific cultural policy is amended to the effect that the Minister of Education, Culture and Science no longer has the statutory right to appoint, suspend and dismiss the administrators of the foundation.

### ***Final provision***

#### ***Article 12***

1. These rules are cited as: Rules of Procedure of the Netherlands Film Fund.

2. These Rules of Procedure were adopted by the board with approval of the supervisory board on 24 October 2012 in Amsterdam.

3. These Rules of Procedure come into force with effect from 1 January 2013.

4. The Rules of Procedure as last amended by decision of 21 April 2010 are withdrawn as of 1 January 2013.

5. These rules are published by an announcement in the Dutch Government Gazette and on the website of the Netherlands Film Fund ([www.filmfonds.nl](http://www.filmfonds.nl))